

1 THE CHAIR: Oh, okay. Mr. Barkin?

2 MR. BARKIN: Thank you, Judge.

3 Just a few questions, Judge Kinsey. Am I
4 correct in believing that at the time that you
5 qualified, you signed a statement that you as a
6 judicial candidate had received, read and understood
7 the requirements of the Florida Code of Judicial
8 Conduct?

9 JUDGE KINSEY: I did.

10 MR. BARKIN: All right. Am I also correct
11 that during the campaign you characterized Judge
12 Green as Judge "Let 'Em Go" Green?

13 JUDGE KINSEY: I don't know that I ever
14 said those words. I probably did, but I don't have
15 any independent recollection of saying that. That's
16 more what the cops say. Now, we definitely put it
17 out in our literature; there's no question.

18 MR. BARKIN: Your counsel -- I could say
19 your husband -- but your counsel advised us that you
20 had had a personal experience with Judge Green and
21 his attitude toward certain types of criminal
22 proceedings?

23 JUDGE KINSEY: I worked with him for
24 several years, yes, as his assigned prosecutor.

25 MR. BARKIN: Did you report his comments

1 to the state's attorney?

2 JUDGE KINSEY: To the state's attorney,
3 yes, I did.

4 MR. BARKIN: Did you report him to any
5 regulatory body such as the Judicial Qualifications
6 Commission?

7 JUDGE KINSEY: No, I did not.

8 MR. BARKIN: What position did the state's
9 attorney take?

10 JUDGE KINSEY: Really, none. I mean, it
11 was something that was discussed, and eventually the
12 decision was made by our state's attorney to no
13 longer allow women to be in Judge Green's courtroom,
14 because the three of us that were in there in
15 succession were each treated equally the same and
16 got the same attitude. And his reaction to all of
17 this that we reported back to him was, "Maybe if we
18 put a man in there, that will change the scenario."

19 MR. BARKIN: Was any effort made to limit
20 Judge Green's involvement in cases that originated
21 at the state attorney's office?

22 JUDGE KINSEY: No.

23 MR. BARKIN: Any effort ever made to
24 disqualify him or remove him as a judge in a case?

25 JUDGE KINSEY: There was discussion about

1 removing him in domestic-violence cases because he
2 had gone on the record saying that a woman should
3 have to put up with a certain amount of pushing and
4 shoving; that that's just part of being married; but
5 it never went anywhere.

6 MR. BARKIN: Was any formal effort ever
7 made to remove this judge from any case in which he
8 sat in which the state attorney's office was
9 involved?

10 JUDGE KINSEY: No.

11 MR. BARKIN: Now, you presently sit in a
12 criminal division?

13 JUDGE KINSEY: I sit in everything. We're
14 not divisionalized in Escambia.

15 MR. BARKIN: Does your counsel continue to
16 represent the Benevolent Order of Police?

17 JUDGE KINSEY: My husband? Yes.

18 MR. BARKIN: Has any effort been made to
19 disqualify you or ask you to remove yourself from
20 consideration of any criminal proceeding that's come
21 before you?

22 JUDGE KINSEY: I have had two motions in
23 the three -- or I guess four -- months. Four
24 months? No, three and a half months.

25 MR. BARKIN: What's the grounds of those

1 motions?

2 JUDGE KINSEY: The two motions were based
3 on the fact that they had -- let me phrase this
4 right. The motions said that "My clients have
5 reviewed your campaign literature and feel that it
6 would be inappropriate for you to sit."

7 MR. BARKIN: And what action did you take
8 as a result of those?

9 JUDGE KINSEY: The first one I
10 disqualified myself on because of the way it was
11 worded. The second one I found to be legally
12 insufficient, and no further action was taken on
13 that.

14 MR. BARKIN: So you continue to hear
15 matters in which police officers and defendants
16 offer conflicting testimony?

17 JUDGE KINSEY: Yes, I do.

18 MR. BARKIN: By your campaign literature,
19 did you intend to commit yourself to a position of
20 favoring police officers in criminal matters?

21 JUDGE KINSEY: Absolutely not.

22 MR. BARKIN: By your literature, did you
23 indicate that Judge Green, your opponent, disfavored
24 police officers?

25 JUDGE KINSEY: I'm sorry. Could you

1 repeat that?

2 MR. BARKIN: Yes. Did you take the
3 contrary position to your own position, which was
4 that Judge Green, the incumbent, actively disfavored
5 the testimony of police officers?

6 JUDGE KINSEY: I certainly took that
7 position throughout my campaign. I guess I should
8 have reread my campaign literature before I came.
9 But probably, yes; certainly in the two brochures
10 that have to do with the case studies, I would think
11 so.

12 MR. BARKIN: Is it your position that
13 Judge Green consistently disregarded the testimony
14 of police officers on matters in which police
15 officers and others had a different view of factual
16 circumstances?

17 JUDGE KINSEY: Yes, it is.

18 MR. BARKIN: Based upon what empirical
19 study?

20 JUDGE KINSEY: Based on what he told me;
21 based on what he later told my successor, Clara
22 Smith; based on what he told her successor,
23 Stephanie Pace; based on the actions that I
24 personally observed in his courtroom time after time
25 after time. I finally asked my state attorney to

1 remove me from his division, because I feared I
2 would step over the line and say something that
3 would be inappropriate in the courtroom.

4 MR. BARKIN: Now, in connection with the
5 Johnson and the Alsdorph cases, those cases were
6 pending in circuit court --

7 JUDGE KINSEY: Yes.

8 MR. BARKIN: -- at the time that the
9 campaign was in process?

10 JUDGE KINSEY: Yes.

11 MR. BARKIN: Your comments with regard to
12 those cases were publicized in Escambia County?

13 JUDGE KINSEY: Yes. In the brochures,
14 they were.

15 MR. BARKIN: Did you understand that
16 discussion of those pending cases could affect the
17 ability of the court to find a dispassionate,
18 disinterested jury?

19 JUDGE KINSEY: I suppose in the broadest
20 sense I would say that. But the comments that were
21 put in the brochures were nothing more than public
22 record from the bond hearings. And a jury has
23 already been picked in the Stephen Johnson case with
24 no problem whatsoever. The Alsdorph case has not
25 yet come up for jury selection. I think that one is

1 set off -- I don't remember, but it's several months
2 away yet.

3 MR. BARKIN: You had been a prosecutor in
4 the Johnson case before you left the state's
5 attorney's office?

6 JUDGE KINSEY: Yes, I was.

7 MR. BARKIN: And the comments that you
8 made, are you saying that there were no comments
9 that you made that were not a matter of public
10 record?

11 JUDGE KINSEY: That's correct.

12 MR. BARKIN: Do you feel any compunctions
13 about continuing to sit in cases involving criminal
14 prosecutions when your husband is counsel for the
15 Police Benevolent Association?

16 JUDGE KINSEY: No, I don't, not at all.
17 Maybe it would be easier if you understood at least
18 my understanding of his job. If there is a police
19 shooting, he goes to the shooting to stand by for
20 the officers in case there is a problem. That's
21 what we're talking about. We're not talking about
22 some day-to-day activity.

23 My husband has a private practice. He
24 does primarily civil work. This was something that
25 I believe he started pro bono and later they gave

1 him a retainer, a small retainer, I believe, to be
2 on standby in case there's a shooting. We have had
3 some shootings in Escambia County. I'd say he goes
4 out maybe three or four times a year.

5 MR. KINSEY: And I also represent officers
6 in disciplinary actions.

7 JUDGE KINSEY: Yeah. That's when it comes
8 up. It's not something that's an everyday or a
9 frequent activity.

10 MR. BARKIN: Judge Kinsey, prior to the
11 campaign in which you participated and in which a
12 circuit judgeship was at issue --

13 JUDGE KINSEY: Yes.

14 MR. BARKIN: -- had there been prior
15 judicial campaigns in Escambia County that were
16 conducted at the, shall I say, emotional level of
17 your campaign?

18 JUDGE KINSEY: I'm going to say no, but I
19 want you to understand that it's kind of a guess.
20 Frankly, before I went to law school, I didn't pay a
21 whole lot of attention. I know that there was a
22 contested election -- well, I guess it's going to be
23 about 12 years ago -- where several judges, maybe
24 three or four, ran for an open slot. I'm not really
25 sure; there were a number. I really didn't pay a